

TENNESSEE BOARD OF FUNERAL DIRECTORS AND EMBALMERS

BOARD MEETING

AUGUST 3, 2004

President Joe Baumgartel called the meeting to order at 10:12 a.m. in Room 160, Davy Crockett Tower, Nashville, Tennessee.

Board members present were Joe Baumgartel, President, Bob Arrington, Vice President, Danny Cook, Wendy Hellum, Bob Foster, Ralph Buckner, Jr., and Wayne Hinkle.

Staff members present were Robert Gribble, Executive Director, Marilyn Tucker, Legal Counsel, Bill Luna and Jimmy Kesey, Field Representatives, and Leslie Carol Hogue and Michelle Poteete, Administrative Assistants.

APPROVAL OF MINUTES:

MOTION: Motion was made by Mr. Cook to approve the minutes of the July 13, 2004, Funeral Directors and Embalmers Board meeting.

The motion was seconded by Mr. Arrington.

Adopted by voice vote.

APPROVAL OF FUNERAL DIRECTOR AND/OR EMBALMER LICENSES: Upon motion, based upon the application records, the following applicants were approved for licenses.

Thomas D. Lee Armes Harriman, TN	Funeral Director Reapplication
Michael Anthony Boles Maynardville, TN	Funeral Director Reapplication
Finis Randy Buckner Manchester, TN	Funeral Director
Rita A. Wilson Greenbrier, TN	Funeral Director
John Andrew Pavlek Mount Juliet, TN	Funeral Director/Embalmer Reciprocity
Landon Cooper Roberson Memphis, TN	Funeral Director/Embalmer

APPROVAL OF FUNERAL ESTABLISHMENT LICENSES: Upon motion, based upon the application records, the following applicants were approved.

Farrar Funeral Homes Corporation Jefferson City, TN	Ownership Change/Name Change
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Farrar Funeral Homes Corporation Dandridge, TN	Ownership Change/Name Change
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Farrar Funeral Homes Corporation White Pine, TN	Ownership Change/Name Change
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McDonald Funeral Homes of Perry County Linden, TN	Ownership Change
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McDonald Funeral Homes of Perry County Lobelville, TN	Ownership Change
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Oakdale Funeral Home Camden, TN	Ownership Change
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LEGAL REPORT:
MARILYNN TUCKER, STAFF ATTORNEY
Case Review

(1) #200207413

Complaint involves a TN FH in Tri-State matter. The FH had an arrangement with Tri-State for cremation services. A daughter of the Tri-State owner worked as a licensed professional in such FH. Father's cremains were supposedly returned to family as per FH agreement (1998), but after evidence of the mishandling of bodies was discovered in Georgia, son feels that the identity of those cremains was never fully established and wanted such to be identified by DNA analysis.

Response from attorney and FH state that the complainant has an extensive criminal record and a history of depression. FH and attorney assert that father's body was not one found on Tri-State property; therefore it was likely cremated properly. They also assert that lawsuit settlement precludes any other action against FH. Will of deceased father appointed sisters (daughters and sister of deceased) as executors and did not mention son.

Recommendation: Assess a \$1000.00 civil penalty against FH for negligence in monitoring cremation service used by FH in its usual course of business; i.e. standard of care/unprofessional conduct.

MOTION: Motion was made by Mr. Arrington to accept counsel's recommendation.

Seconded by Mr. Cook

Adopted by voice vote

(2) #200419186

Complaint states that the FH took too long in getting the death certificate signed and sent to family. Also, family complains that FH was rude and owner cursed family. Daughter of deceased makes further claims that owner made improper sexual remarks to her.

Response: FH states that doctor caused delay in getting death certificate signed and sent to family. Also, FD denies that owner ever made advances and states that he would never have done so to any client. Response states that daughter of deceased made a scene over the incident with death certificate.

Recommendation: Dismiss.

MOTION: Motion was made by Mr. Buckner to accept counsel's recommendation.

Seconded by Mr. Hinkle

Adopted by voice vote

(3) #200419720

Complaint states that FD left burial before vault secured and coffin lowered. Complaint offers two witnesses as proof.

Response states the complaint as untrue and offers seven witnesses as proof.

Recommendation: Dismiss.

MOTION: Motion was made by Mr. Arrington to accept counsel's recommendation.

Seconded by Mr. Buckner

Adopted by voice vote

(4) #200419542

Complaint alleges that adult son was buried without any input/authorization from father on disposition of remains and service.

Response from first FH states that mother was informant on death certificate and signed all authorizations and paid for such. Second FH made burial arrangements w/ mother and did not know of father's whereabouts.

Recommendation: Dismiss. This complaint, though just sent to board, is very old.

MOTION: Motion was made by Mr. Cook to accept counsel's recommendation.

Seconded by Mr. Hinkle

Adopted by voice vote

(5) #200419172

Complaint states that application was made for an apprentice before apprentice could devote time to training.

Response states that FD did the application early (approx. one month) because of board's slowness in approving such.

Recommendation: Letter of Caution. Statute is clear that application attests to applicant meeting qualifications.

MOTION: Motion was made by Mr. Arrington to accept counsel's recommendation.

Seconded by Mr. Buckner

Adopted by voice vote

(6) #200419468

Complaint states that FH failed to honor 1979 pre-arrangement for parents' burial services. Decedents chose National Cemetery upon death in 1981 and 2004, respectively, and now family wants refund of policy monies.

Response states that FH reached an agreement w/ family and refunded money.

Recommendation: Dismiss.

MOTION: Motion was made by Mr. Arrington to accept Attorney's recommendation.

Seconded by Mr. Buckner

Adopted by voice vote

(7) #200419465

Complaint is that funeral home was rude and discourteous during handling/services of son/step-son.

Response states that brother of deceased paid for and completed entire arrangements for deceased. Father and step-mother attended services from out of town. Mother and other family thought service was nice. FH felt it was a family feud.

Recommendation: Dismiss.

MOTION: Motion was made by Mr. Buckner to accept counsel's recommendation.

Seconded by Mr. Arrington

Adopted by voice vote

STAFF REPORT:
ROBERT B. GRIBBLE, EXECUTIVE DIRECTOR

- **Resignation of Leslie Carol Hogue** – Mrs. Hogue has accepted a promotional position, Administrative Assistant Regulatory Board 2, with the Motor Vehicle Commission. The effective date will be no later than September 1, 2004.
- **Legislative Priorities** – Within the next few days, the Executive Director must submit a brief summary of the Board's 2005 legislative proposals.
- **Funeral Homes without a Manager** – After discussion, the Board adopted by voice vote a motion by Mr. Arrington and seconded by Mr. Hinkle for the staff attorney to send a Cease and Desist Order to three different establishments instructing each to Cease and Desist funeral activity and find a full-time manager within ten (10) days of the receipt of the order.

CONTINUING EDUCATION

The Executive Director does not recommend any licensees for approval of extension of time regarding completion of the continuing education requirements.

OTHER BUSINESS:

After discussion, the Board adopted by voice vote a motion by Mr. Foster and seconded by Mr. Arrington for a board member to draft a letter to be presented later reflecting support for a needed pay increase for the Regulatory Board Field Representatives.

MOTION: Motion was made by Mr. Arrington to adjourn.

Seconded by Mr. Foster

Adopted by voice vote

There being no further business, the meeting was adjourned at 12:05 p.m.

Respectfully submitted,

Robert B. Gribble
Executive Director